

UNITED STATES of AMERICA  
U.S. DISTRICT COURT -- EASTERN DISTRICT OF MICHIGAN

AUNNA CHAMBERLAIN,

Plaintiff,

DEMAND FOR JURY TRIAL

-vs-

Case No. 14-13626  
Hon. Avern Cohn

M & M CARS, INC.,

Defendant.

**MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST  
M & M CARS, INC.**

*The Plaintiff moves for entry of a default judgment against M & M Cars, Inc. as follows:*

1. The Complaint was filed on September 18, 2014, and the summons and complaint were served upon the Defendant, through its statutory agent for service.
2. The Defendant's agent for service received service of the Summons and Complaint on Friday, September 19, 2014.
3. M & M Cars, Inc., a licensed automobile dealer, failed to answer, appear or otherwise defend.
4. On October 13, 2014, Plaintiff applied for entry of Default against M & M Cars, Inc. and shortly thereafter, the Clerk of the Court entered its default under Rule 55(a).

5. Plaintiff spent \$3,124.00 on a used vehicle. The dealer refused to transfer title to Plaintiff or pay the sales tax or license fees.
6. When the Plaintiff refused to pay more than the amount agreed to in the finance contract, the dealer repossessed the vehicle.
7. Plaintiff has set forth claims for damages under a variety of statutory and common law theories, and she requests the Court enter Judgment against M & M Cars, Inc. for the following damages:

a. *Truth in Lending:*

The Plaintiff filed a meritorious claim for violations of 15 U.S.C. §1640 *et seq.* Under that law, she is entitled to statutory damages of \$2,000.00, actual damages of \$3,124.00, and costs and attorneys fees.

b. *Fair Credit Reporting Act*

Defendant was required under 15 U.S.C. §1681m(h) to provide Plaintiff with a risk based pricing notice, but failed to do so. Plaintiff is entitled to \$1,000.00 statutory damages along with costs and attorneys fees.

c. *Magnuson-Moss Warranty Act*

Plaintiff is entitled to actual damages under this law in the amount of \$3,124.00 along with costs and attorneys fees.

d. *Misrepresentation/Consumer Fraud/Cheating.*

In this case, the pleadings state a meritorious claim for Misrepresentation/Consumer Fraud. Plaintiff asks for treble damages under the statutory conversion statute, MCL § 600.2919a. Essentially, the Defendant stole Plaintiff's car. She seeks damages in the amount of \$9,372.00.

8. The total of these requested damages is \$3,000.00 in statutory damages and \$9,372.00 in actual damages for a total of \$12,372.00 in damages.
9. Plaintiff's attorneys have accrued 12.9 hours @ \$325.00/hour for an initial consultation, review of the materials, drafting and filing the complaint, and further communication with the client. In addition, there are \$400.00 in costs for a filing fee. Plaintiff seeks \$4,592.50 in fees and costs.

*ACCORDINGLY, Plaintiff requests that the Court enter the attached Default Judgment against M & M Cars, Inc. for Fraud, Cheating and Misrepresentation in the amount of \$16,964.50.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

By: s/ Adam G. Taub  
Adam G. Taub (P48703)  
Attorney for Aunna Chamberlain  
17200 West 10 Mile Rd. Suite 200  
Southfield, MI 48075  
Phone: (248) 746-3790  
Email: adamgtaub@clgplc.net

Dated: October 31, 2014

UNITED STATES of AMERICA  
U.S. DISTRICT COURT -- EASTERN DISTRICT OF MICHIGAN

AUNNA CHAMBERLAIN ,

Plaintiff,

DEMAND FOR JURY TRIAL

-vs-

Case No. 14-13626  
Hon. Avern Cohn

M & M CARS, INC.,

Defendant.

**BRIEF IN SUPPORT OF  
MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST  
M & M CARS, INC.**

The pleadings are sufficient to allow this Court to enter an order for Fraud, Cheating and Misrepresentation in the amount of \$16,964.50 The Defendant, M & M Cars, Inc., was served and its agent has acknowledged service and this dealership has decided to ignore the lawsuit.

Under F.R.Civ P 55, when a party has failed to respond to a lawsuit, the opposing party may seek a default judgment.

*ACCORDINGLY, Plaintiff requests that the Court enter Default Judgment against M & M Cars, Inc., for Fraud, Cheating and Misrepresentation in the amount of \$16,964.50.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

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Adam G. Taub (P48703)  
Attorney for Aunna Chamberlain  
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Dated: October 31, 2014

**Certificate of Service**

I hereby certify that on October 31, 2014, I electronically filed the foregoing paper and any attachments with the Clerk of the Court and served this document on the following parties:

Party	Manner Served
M & M Cars, Inc. c/o Michigan Department of State, Compliance Division, 3 <sup>rd</sup> Floor Treasury Building 430 W. Allegan Street Lansing, MI 48918.	

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

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